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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/692,663	10/20/2000	Jonathan J. King	STE01 P-1069	7520
277	7590	01/11/2006	EXAMINER	
PRICE HENEVELD COOPER DEWITT & LITTON, LLP			AMIRI, NAHID	
695 KENMOOR, S.E.			ART UNIT	
P O BOX 2567			PAPER NUMBER	
GRAND RAPIDS, MI 49501			3679	

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/692,663	<b>Applicant(s)</b> KING ET AL.	
	<b>Examiner</b> Nahid Amiri	<b>Art Unit</b> 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6, 11-24 and 27-33 is/are allowed.
- 6) ☒ Claim(s) 7-9, 25 and 26 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### **Response to Amendment**

In view of Applicant's Amendment received 10 October 2005, amendments to the claims have been entered. Claims 1-33 are pending. The indicated allowability of claims 25 and 26 is withdrawn in view of the newly discovered reference(s) to US Patent No. 6,817,147 B1 MacDonald. Rejections based on the newly cited reference(s) follow.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 7-9 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,349,516 B1 Powell et al.**

With respect to claims 7,8, and 9, Powell et al. disclose a partition (Figs. 2, 3) including a partition frame (21) having a horizontally extending upper frame member (rail) (36) defining upper edge of the partition frame (21), the partition frame further including a pair of horizontally spaced apart vertical frame members (23), each having a upper end thereof secured to the upper frame member (36), the partition frame (21) having a lower portion (25) configured to abuttingly support the partition frame (12) freestanding on a floor surface; a horizontally extending raceway (123) defining an elongated passageway configured to retain utility lines in a horizontally extending manner, the raceway (123) having an elongated upper opening along a top side of the raceway (123) providing access to the elongated passageway and permitting lay-in of utility lines

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into the passageway; and (Figs. 3, 4) a vertically extending support member having a first and second support members (24) including a connectors (34) connected to the partition frame (21), the support members (24) supporting the raceway (123) vertically spaced above the upper frame member (36); and wherein the raceway (123) includes opposite side walls and a bottom wall defining a U-shaped cross section, and wherein the side walls are integrally formed with bottom wall.

**Claims 25 and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,817,147 B1 MacDonald.**

With respect to claims 25 and 26, MacDonald discloses a partition frame (9) (Figs. 1, 2) including a vertical frame member (3) having opposite side faces which defines vertical side faces (5), each side face (5) including a vertical row of opening (4) which are opening outwardly, (column 4, lines 36-38) a clip (1) for routing and retaining utility lines along the vertical frame member (3), (column 3, lines 44-48) the clip (1) including a pair of extensions (22) extending inwardly towards one another and received within the selected ones of the opening (18) of the opposite side face (5), a pair of flexible legs (24) extending away from the extensions (22) and defining a space therebetween, and the legs (24) can be flexed apart to form an enlarged gap between the end portions for insertion of utility lines into the space.

#### ***Allowable Subject Matter***

Claims 1-6, 11-24, and 27-33 stand allowed.

Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 7-9 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nahid Amiri whose telephone number is (571) 272-8113. The examiner can normally be reached on 8:30-5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Nahid Amiri  
Examiner  
Art Unit 3679  
January 06, 2006



DANIEL P. STODOLA  
SUPERVISORY PATENT EXAMINER  
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